

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Western District of New York

24 CV 295

Case No.

(to be filled in by the Clerk's Office)

Carlo Robert D'Angelo Pro Se

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

(Six) 6 UNKNOWN DEA AGENTS SCOTT SPRAGUE (DEA)
1 UNKNOWN AMHERST POLICE OFFICER KRYABETH RAZ (DEA)

The Marriot Courtyard Hotel

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

JURY TRIAL: Yes ☒ No ☐

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

CARLO D'ANGELO

All other names by which
you have been known:

ID Number

151411A

Current Institution

NIAGARA COUNTY CORRECTIONS FACILITY

Address

P.O. Box 496

Lockport

City

NY

State

14094

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

8 UNKNOWN DEA OFFICERS

Job or Title (*if known*)

Shield Number

Employer

THE U.S. GOVERNMENT

Address

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 2

Name

1 UNKNOWN AMHERST POLICE OFFICER

Job or Title (*if known*)

Shield Number

Employer

N.Y. STATE

Address

City

State

Zip Code



Individual capacity



Official capacity

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name

The Courtyard Marriott Hotel

Job or Title (if known)

Shield Number

Employer

Address

4100 Sheriday Drive

AMHERST

NY

14221

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 4

Name

KYLABETH KAZ and Scott Sprague (DEA)

Job or Title (if known)

SPECIAL AGENT

Shield Number

Employer

Address

D.E.A

City

State

Zip Code



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim) The 8 UNKNOWN DEA AGENTS

State or local officials (a § 1983 claim) Amherst PD and the Courtyard Marriott

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4th AMENDMENT see attached Statement of Claim ①-②-③-④

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

4th AMENDMENT see attached Statement of Claim ①, ②, ③ and ④

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Federal Agents Identified themselves as police acting on a call about a Domestic Violence Report to get me to comply with their directives to come to the door of the hotel room I had a presumption of Privacy in. They then pulled me out of the room and searched me at gun point.

- III. Prisoner Status I was then pressured to sign consent to search my vehicle. See attached Statement of Claim (1), (2), (3) and (4)

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

See attached statement of claim (1), (2), (3), and (4)
 Suite 320 at the Marriott Courtyard Hotel

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

C. What date and approximate time did the events giving rise to your claim(s) occur?

5-25-21 at approximately 930-10 AM

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See attached statement of claim, (1), (2), (3) and (4)

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

See attached statement of claim (1), (2), (3) and (4)

see lawsuit Carlo D'Angelo v Michael Filicetti, CO Hotaling,

UNKNOWN officer, Prime Care Medical Corp and U.S. Marshall's serv.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

For violating my privacy and illegally seizing Hard drives with
videos of my wife and I having sex, I seek 10 million DOLLARS.

For using that evidence to detain me for 530 days I seek
10 million Dollars. See attached statement of claim (1), (2), (3), and (4)

I also seek the suppression of evidence obtained from the unreasonable
Search and unreasonable seizure which occurred pursuant to the
Violation of my privacy on 5-25-21, applied to the case 21-CR-80
I also seek a return of all property seized under Fed. R. Civil P. 41(g).

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A.** Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

- B.** Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

☐ Do not know

- C.** Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

- D.** Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E.** If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2-22-24

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Carlo Robert D'Angelo
151411A
P.O. Box 496
Lockport NY 14094
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City State Zip Code

Telephone Number

E-mail Address

1/8
4th and 5th Amendment Constitutional BIVENS violations UNLAWFUL Search and Seizure
Violation of Privacy and due process.

On 5/25/21 at approximately 9:30 AM I heard a knock on the door while sitting on the bed in suite 320 at the courtyard Marriott Hotel in Amherst NY.

Startled at how loud the knock was I yelled, "Who is it!?" I noticed the door was moving slightly as if someone had it slightly propped open. There came a voice of a man who said, "Police, come to the door!"

The clarity at which I heard the man's voice confirmed the door was indeed being pushed open. Alarmed, I got off the bed and yelled back, "What do you want?!" The man replied, "We're responding to a call about a domestic, come to the door!"

As I walked toward the door it began to open more and more. By the time I was 2ft from the door I saw 4 plain clothed men with guns unholstered. One wore a badge on a necklace who I know to be now as Scott Sprague.

Sprague reached in and grabbed my wrist while propping the door open with his foot. He pulled me out of room 320, past the threshold and into the arms of the agent farthest and tallest who pushed me against the wall opposite 320's door and searched me at gunpoint, emptying the contents of my pockets onto the carpet in the hallway.

I was confused because they identified themselves as police responding to a call about a domestic yet they were all in plain clothes. I asked if

2/8

they were with the Amherst Police Department at which point one of them replied, "DEA".

One of them asked if anyone was in the room. I said, "NO".

Agents then searched the room while telling me to sit on a chair.

Agents opened a case that contained a sex machine. They humiliated me and laughed at me.

I pleaded with an agent not to take my SDXC CARD from my camera as it contained videos of my wife and I having sex. I did not consent to any of their searches of my body or my room. I held a reasonable expectation of privacy in.

Agents used a bag of powder containing 6.1g of a substance legally allowed in New York to coerce me to sign consent to search my house and my vehicle. I reluctantly agreed as they seemed like they were going to search my vehicle regardless of what I said based on my warrantless search as well as the warrantless search of my room.

Before I signed the consent I made sure I would get a call to my attorney Herb Greenman immediately thereafter. Scott Sprague agreed. I signed the forms then Scott Sprague called Herb and gave me the phone. I explained I just signed the two forms to Herb. Herb asked me to hand the phone to Scott.

30 seconds later Scott hands me back the phone. Herb then confirmed he withdrew consent for all searches. Herb said I'd be

3/6

booked and released and to call him in a few days.

Despite the withdrawal of consent I viewed Agents tearing apart my vehicle 20 minutes later, as I exited the hotel with Amherst Police.

Agents confiscated numerous HARD DRIVES from my vehicle which was packed with various property I was moving from Amherst to Pavilion. My wifes car, also packed with clothes was present at the Marriott as well. We were merely sleeping there because we were too tired to drive to Batavia without resting and had no bedding at 158 MARINE DRIVE.

After receiving Discovery in the Criminal case 21-80-CR the truth was confirmed. Agents lied about there being a domestic violence complaint to effect a warrantless search and seizure.

By stating they received a call about a domestic I was obligated to address them at my door, as such matters could be considered exigent circumstances warranting a warrantless protective sweep if I DONT answer the door.

The discovery stated the truth of the matter. Agents received an uncorroborated tip by Joseph Ayer from a Batavia Jail cell that I was making Flakka at the Marriott. That was a lie that aroused the DEA and caused them to violate my civil rights and due process rights. Both 4th and 5th Amendment Constitutional Rights.

4/6

Joseph Ayer used either Miranda Bova or Ciera McKenna to provide false info to the D.E.A. Bova, had been the get away driver in the burglary of my home only days prior to this incident. See Genesee County 2021-00010254

McKenna, responsible for multiple overdoses in Niagara County, was eager to set me up. McKenna confided in me her role in the deaths of multiple people in N.Y. in 2020.

Authorities of the Federal Government carelessly disregarded my Civil Rights. Authorities carelessly disregarded my wife Shannon D'ANGELO's Civil Rights that day as well.

Before agents knocked on my door at suite 320, they pulled the same stunt on my wife who had her own room on an entirely different floor.

According to her she heard a knock on the door. Agents identified themselves as "police". They explained they got a call about a domestic and just wanted to make sure she was ok. They asked her to let them come in so they can make sure she is safe,

Shannon allowed them in the room at which point they searched her room. She said they searched between the mattresses, in the closets, behind the T.V. behind the curtains, the window sills and in the bathroom. Then they asked her about drugs before leaving for the 3rd floor.

5/6

AGENT KAZ violated my 4th Amendment Right to Privacy one last time when she waited an unreasonably long 31 days to submit an application of search which contained falsehoods, contradictory statements and factually false information designed to mislead a Federal Magistrate.

Those illegal morally reprehensible acts convinced Magistrate Kenneth Schroeder to sign an Application of Search on 6/25/21, 31 days after the devices were illegally seized from my Lexus and camera in Suite 320; Intimate possessory hard drives that I otherwise should have had in my possession.

I was only detained for a few hours on 5/25/21. Given that the seizure occurred absent an arrest or search warrant, 31 days is exceptionally long to separate such intimate media/data from its owner absent an application of search on file.

Family Photo's, homemade adult videos of my wife and I having sex should not have been sitting around a D.E.A office for 31 days without a warrant. Especially in light of officers of the D.E.A like Special Agent Bongiovanni and KylaBeth KAZ who has clearly displayed they don't play by the rules.

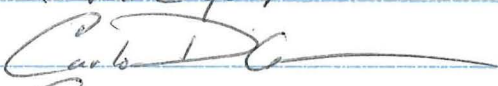
IN U.S. V. SMITH 967F3D 31 Days was Deemed excessive


IN U.S. V. MITCHELL 565F3D1347 21 Days was Deemed excessive

9/6

Because the DEA acted illegally under the color of law,
they need to be punished and I need to be compensated
for the transgressions they waged against my person.
The DEA failed to due their due diligence and threw caution to the wind.
For that I seek 5 million dollars, total 10 million.

I further ask the courts to appoint me counsel to represent
me in this Bivens Action due to the complexity of the case.

Thank you,

Carlo D'Anzele 3-17-24



1/3

Slander and Libel committed by Kylabeth Kaz

Special Agent Kylabeth Kaz slandered me and committed Libel in her "application of Search" submitted to and signed by Magistrate Schroeder. She lies directly as well as by omission on numerous parts of her application, committing libel against me.

" Each SOI Referenced in the affidavit is AN identified civillian who expressed personal knowledge regarding the information that was shared, unless otherwise noted. * None of the SOI's were charged with a crime at the time of their interviews and NONE were promised any other benefit in exchange for providing information. "

* PAGE 5 of the "application of Search "

This disclaimer is a Lie and served to manipulate all who read it.

17 of KAZ's Application of Search is entirely misleading and lends credence to Maris Lenk, an individual who was in custody at the time her and Joseph Ayer provided statements; KAZ lies and says were provided "IN April 2021". The reality of the matter is that the statements were provided hours after Lenk and Ayer were arrested Burglarizing my home at 11039 River Rd, on May 13th 2021.

The disgusting statement Maris Lenk provided Genesee County Sheriffs was riddled with lies by someone trying to justify her criminal actions and evade justice. Despite her acts, she was released in less than 24 hours. Kylabeth Kaz then lies about Lenk's admission of her statement. She should be held culpable for not doing her due dilligence.

2/3

KAZ lies again in # 29 of her "application of Search" stating on 5/25/21 "D'ANGELO CAME OUT OF THE ROOM AND SPOKE WITH LAW ENFORCEMENT IN THE HALLWAY".

That is a complete mischaracterization of what occurred that manipulated Magistrate Schroeder into signing a search warrant for the digital media that was seized illegally.

The fact of the matter is that Agent Sprague pulled me out of the room when I complied with orders to come to the door to address a domestic violence complaint.

KAZ goes on to say, "D'Angelo possessed the following items on his person: a baggy containing a white powder".

Clearly KAZ was trained how to color the law with careful wording. Had she displayed integrity and said the truth, Magistrate Schroeder would have been hesitant to sign her search application. The truth being that I was pulled out of room 320 and searched without a warrant of any type, at gunpoint, under the pretense that the agents at my door were police responding to a call about a domestic violence situation.

KAZ lies about the location of the SDXC CARD. IN # 30 it's in my room but then in # 32 she lies and says it was found in my Lexus. She's anything but reliable and honest.

3/3

At NO TIME DOES kylabeth KAZ mention my search at gunpoint.

KAZ lies saying I gave consent to search my room. Agents entered my room while I was spread against a wall opposite 320's door at gunpoint. Even if I did give consent, which I did not, it would have been consent reeking of coercion and therefore not permissible under the 4th. Therefore, in addition to the violations already mentioned, the search of Room 320 absent a warrant, violates my 4th Amendment Right to privacy as well. Any signed consent minutes later is also a product of coercion.

The simple fact of the matter is that Joseph Ayer used the DEA to trample my 4th Amendment Constitutional Rights AND They did so willfully with disregard to my due process rights. Their use of a ruse to gain entry to my wife's Room also violated her right to privacy as well. These were dirty tactics by law enforcement. The federal Courthouse in Buffalo, specifically Michael Roemer, has disregarded my efforts to address these issues. Despite my requests that counsel raise these issues, I'm met with resistance. I can only conclude this is one big cover-up of these illegal ACTS by the D.E.A. to secure a criminal conviction against me.

8/9

Seized Exhibit 1-17 schedule

- 1) I phone S Cell Phone
- 2) LG Cricket Cell Phone
- 3) electronic Device s/n 52U2JABF130185
- 4) " s/n WXC1E33DYAL1
- 5) " Device Labeled "INEO"
- 6) " " 5MT2BMRL
- 7) " " 15120F04FF0C
- 8) " " WD2500
- 9) " " Y65DSG8E
- 10) SAN Disk Memory CARD BP2002153034X
- 11) Corning Hot Plate
- 12) 2.5 kg of Bismuth metal in stove Pot
- 13) 1 CAN of PAINT Remover
- 14) 1 Bottle of drain Cleaner
- 15) 1 unopen bottle of fertilizer
- 16) (51) 100.00 USD Bills
- 17) 6.1g of discardable material - DISCARD

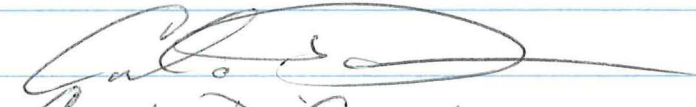
All items were seized illegally on 5/25/21
Absent a warrant of Any type.


Carlo I. Conzelo
3-17-24

8/2

Pursuant to the exclusionary rule adopted by the courts to protect the 4th amendment, I ASK this civil action Not only be a vehicle to establish what amounts to clear abuse of power by the 8 DEA Agents involved, but also as a vehicle to allow my Pro Se Complaint affect the evidence illegally obtained as a result of that transgression in my 21-CR-80 criminal case, allowing for the return and suppression of said evidence, to me.

Thank you for your Consideration,


Carlo D'Angelo
2-24-24



1/3

Memorandum of Law

In summary, The initial push of the door of suite 320, by federal Agents acting under the color of law as Amherst Police responding to a domestic, was a violation of my 4th Amendment Right to Privacy. The threshold was breached by Scott Sprague's foot.

The Ruse which was then employed by the plain clothed DEA agents was done so absent a search or arrest warrant. See. U.S. v. Montes-Reyes 547F Supp 2d 281.

The extraction of my person out of room 320 violated my 5th Amendment Due Process Rights and deprived me of liberty.

The subsequent search absent an arrest warrant or search warrant violated my 4th Amendment Right to be free from unreasonable search as exigent circumstances were not established justifying the use of a warrantless ruse to effect a search or arrest absent a warrant. see United States v. Rico, 2019 U.S. Dist. Lexis 144647

"To determine whether exigent circumstances justify ... a warrantless entry ... courts consider (1) The gravity or violent nature of the offense with which the subject is charged; (2) whether the suspect is reasonably believed to be armed; (3) a clear showing of probable cause ... to believe the suspect committed the crime; (4) strong reason to believe that the suspect is in the premises being entered; (5) a likelihood that the suspect will escape if not swiftly apprehended; and (6) The peaceful circumstances of entry."

2/3

"AN ADDITIONAL factor commonly considered by courts is whether quick action is needed and necessary to prevent the destruction of evidence."

There is no justification of the agents actions.

- 1) The charge - Possession of a personal use amount of a-PVP 6.1g does not constitute an emergency
- 2) Reasonable Belief - There is no reasonable belief Agents could argue that I was ARMED. I WASNT.
- 3) Probable Cause - They based their probable cause on hearsay by criminals who just broke into my 11039 RIVER RD Home 12 days earlier. There was no lab or FLAKKA Being manufactured at the Amherst Marriott EVER to my knowledge. The DEA WAS USED AS A INSTRUMENT to harass me by Joseph Ayer directly or via his co-conspirators Miranda Bova (getaway driver on 5/13/21) or his girlfriend Lierra McKenna, who wished to retaliate for me pressing charges against him for burglarizing my home with the help of Maris Lenk and Jennifer Coad.
- 4) Presence - Agents had just went to my wife Room looking for me, then Room 300, then 320. They believed I was in the building but were on a fishing trip trying to locate me.


3/3

- 5) escape - If they did satisfy #4 and believed I was in Room 320, they could have waited for me to exit the room. I wasn't going to escape out a 3rd Floor Hotel whose windows don't open. I didn't even know the DEA was present.
- 6) Peaceful Entry - I was pulled out of the room and searched at gunpoint. Not very peaceful.

* Destruction of evidence - IF THE DEA TRULY BELIEVED I WAS operating a lab at the Marriot then this factor is irrelevant as a lab can not be destroyed. Not without removing large items from the hotel room, shattering and disposing of large amounts of glass.

IF the DEA WERE ALLOWED TO BUST INTO SOMEONES HOTEL ROOM because they had reason to believe a person in the room possessed a personal amount of a controlled substances, what good would our constitutional civil rights be? There is a process required for such an act to be legal. On 5-25-21 that process was to take a back seat to vigilante behavior and intimidation tactics to coerce me to comply. That's not right and is a violation of my due process rights as well as my right to feel secure in my dwelling.

For that and the reasons outlined in the "statement of claim".
I seek compensation in the amount of 5 million dollars; total 10 million.

Thank You,
 3-19-24

To: U.S. District Court Clerk,

Greetings! INSIDE THIS package you will find (6)
envelopes. Each contains A CIVIL ACTION. IN total
you will find:

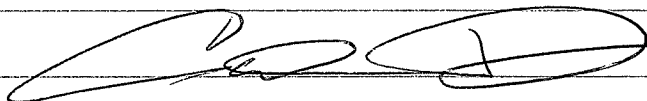
(5) 42 USCS 1983 Claims

and

(1) Bivens Federal Claim

Thank you!

Carlo D'Angelo

 3-24-24

P.O Box 496
Lockport NY 14094

Any Questions ?

Call

Shannon D'Angelo (716) 429-7747

24 CV 295

JS 44 (Rev. 08/18)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Carlo Robert D'Angelo Pro Se

(b) County of Residence of First Listed Plaintiff Niagara
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

(1) UNKNOWN DEA AGENTS Scott Sprague DEA
(1) UNKNOWN AMHERST POLICE OFFICER KYIABETH KAZ DEA
THE COURTYARD MARRIOTT HOTEL 4100 Sheridan DE.

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 490 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Deprivation of liberty - violation of my 4th Amendment constitutional Right, Illegal search and seizure AND 5th AND RIGHT TO PRIVACY.
 Brief description of cause: THE DEA CONSTRUCTED A RUSE TO ARREST AN ARREST ABSENT A WARRANT

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
 DEMAND \$ 10 million USD JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

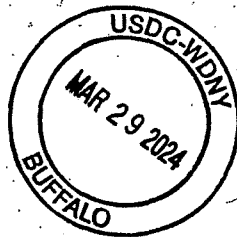
JUDGE

JLS

MAG. JUDGE

see attached BIVENS 42 USC 1983

Carlo D'Angelo
P.O. Box 496
Lockport, NY 14094



		Retail
P	US POSTAGE PAID	Origin: 14132 03/27/24 3574350132-11
	\$18.40	
PRIORITY MAIL®		
		1 Lb 11.00 Oz RDC 03
EXPECTED DELIVERY DAY: 03/29/24		
		C030
SHIP TO: STE 200 2 NIAGARA SQ BUFFALO NY 14202-3350		
USPS TRACKING® #		
9505 5150 1232 4087 3502 83		

X

United States Courthouse
United States District C
200 U.S. Courthouse
2 Niagara Square
Buffalo, NY 14202-~~3350~~

13.625
5

VISIT US AT
ORDER FREE S